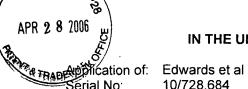
Docket No. 9222.16953-CON DIV



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No:

10/728,684

Filed:

5 December 2003

For:

**Sphincter Treatment Apparatus** 

Group No.: 3739 Examiner: Michael F. Peffley

**Mail Stop Amendment Commissioner for Patents** P.O. Box 1450 Alexandria, VA 22313-1450

## **TERMINAL DISCLAIMER TO OBVIATE** A DOUBLE PATENTING REJECTION (37 CFR 1.321(c))

## Identification of Person(s) Making This Disclaimer

	I, Daniel D. F	Ryan (Reg. No. 29	9,243)		
	(typ	e or print names	of all inventors or assigns or name of attorney signing disclaimer)		
•	(a)	represent that	I am		
,		[ ]	an inventor of this invention.		
		[ ]	an assignee of this invention.		
	WARNING:	"If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, government agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56.			
		[ ]	a representative authorized to sign on behalf of the assignee identified below.		
	WARNING:	See the above "WARNING".			
		[×]	the attorney of record for this invention.		
	NOTE: The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b).' Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56.				
05/01/2006 H	IDESTA1 00000005	10728684			
02 FC:2814		65.00 OP			
	CERTIFICATE OF MAILING (37 CFR 1.8(a))				
	I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450				
			Linda S. Wenzel Type or print name of person mailing paper		
	Date: 25/April	2006	(Signature of person mailing paper)		
			(Oignature of person manipy paper)		

# IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT

(if applicable)

The as	signee i	s				
	Name of assignee		Curon Medical, Inc.			
	Address of assignee		46117 Landing Parkway			
			Fremont, California 94538-6407			
Title of disclaimant authorized to sign on behalf of assignee Daniel D. Ryan (Reg. No. 29,243), Attorney of Record						
			·			
			EXTENT OF DISCLAIMANT'S INTEREST			
The ex	tent of t	he interest in this	s invention that the disclaimant owns is in:			
	[X]	the whole of th	is invention.			
	[]	a sectional inte	erest in this invention, as follows:			
			RECORDAL OF ASSIGNMENT IN PTO (if applicable)			
[X]	The as	signment was re	ecorded on 5/13/1999 and 1/3/2001			
		Reel <u>009998</u>	<u>8 011406</u>			
		Frame <u>0589</u>	0352			
		[ ]	Authorization for recordal of the assignment is separately attached.			
		[ ]	A separate [ ] "ASSIGNMENT (DOCUMENT) COVER SHEET" or [ ] FORM PTO 1595 is also attached.			
		ESTABL	LISHING RIGHT OF ASSIGNEE TO TAKE ACTION (if applicable)			
[]		ed is a CERTIFIC ction in this case	CATE UNDER 37 CFR 3.73(b) establishing the right of the assignee to .			
			DISCLAIMER			
The ter extend	minal pa beyond	art of the statutory the expiration da	y term of any patent granted on the above-identified application, which would ate of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of:			
	[X]	terminal disclai	Patent No. <u>6,056,744</u> as presently shortened by any mer. United States Patent No. <u>6,056,744</u> is owned by Curon Medical, Inc. 009384/0156 (8/6/1998); 010315/0779 (10/13/1999); and 014805/0537			
	[]	Any patent gran	nted on application number			

identified applicat	ned, except as provided below, and it is agreed that any patent so granted on the above- tion shall be enforceable only for, and during, such period that the legal title to said patent e as the legal title to
[X] U	Jnited States Patent No. 6,056,744
[]	Any patent granted on application number
	run with any patent granted on the above-identified application and to be binding upon the essors or assigns.
	ove disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the n that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 73 of:
[X] L	Jnited States Patent No. 6,056,744 , as presently shortened by any terminal disclaimer,
[] A	Any patent granted on application number
by a court of com 1.321, has all clai to expiration of it	t later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid petent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR ms canceled by a reexamination certificate, is reissued in any matter or is terminated prior ts full statutory term as presently shortened by any terminal disclaimer, except for the all title stated above.
	FEE STATUS (37 CFR 1.20(d))
	Other than a small entity-fee \$130.00. Small entity-fee \$65.00.
	FEE PAYMENT
	Attached is a check in the sum of \$ 65.00  X] Charge Account <u>06-2360</u> for any fee deficiency.
[] (	Charge Deposit Account <u>06-2360</u> the sum of \$
A duplica	te of this disclaimer is attached.

#### **DECLARATION**

[ ] As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under SECTION 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: April 24, 2006

Reg. No.: 29,243

Telephone: (262) 783 - 1300

Customer No. 26308

Signature of Disclaiman

SIGNATURE OF ATTORNEY OF RECORD

(type or frint name of attorney)
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**MILWAUKEE, WISCONSIN 53226** 

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